

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 15, 2000
7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:05 p.m., Tuesday, August 15, 2000, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and Carla Blake Hook, Assistant County Attorney.

Invocation. Dr. George W. Barnes, Hornsbyville Baptist Church, gave the Invocation

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Jimmy Hamrick, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He stated the paving at Grafton Drive should be completed by the first of September, and a turn lane at Route 171 and Route 17 would be put out for bid in September. He indicated the project on Route 17 in front of Washington Square would be completed in the next couple of months.

Mr. Wiggins asked for an explanation of the turn lane project at Wolf Trap Road.

Mr. Hamrick explained that the area would be made wider with turn and stacking lanes going into Wolftrap Road.

Mr. Wiggins expressed his appreciation for VDOT's repair of potholes in his district.

Mr. Burgett inquired about next year's paving schedule and how it was put together.

Mr. Hamrick explained how the paving assessments were determined and stated the schedule would be put together this Fall.

Chairman Zaremba asked about the public hearing to be held regarding the widening of Fort Eustis Boulevard.

Mr. Hamrick explained that VDOT was going to widen an area of Fort Eustis Boulevard, and the citizens were invited to attend a public hearing at Woodside High School on August 23, 2000, from 4:00 – 7:00 p.m. to discuss the issue.

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Chairman Zaremba referenced the proposed Wal-Mart Shopping Center in the upper area of York County and asked Mr. Hamrick how VDOT interacted with the locality and the developer when a major development was proposed.

Mr. Hamrick discussed the early planning stages for such developments and elaborated on the VDOT procedures to implement traffic safety.

Mrs. Noll asked about the traffic impact of new developments, and if the impact was required to remain the same as before the development was constructed.

Mr. Hamrick explained it depended on the level of service regarding such issues as traffic counts and amounts of traffic going in and out of locations, and he stated certain criteria had to be met to maintain the current level of service.

Miss Rapp asked when the ditches in Meadowlake Farms and the Big Bethel Road areas would be cleaned out. She reported severe flooding in the Melani Brothers office on Route 17 and that VDOT was aware of it but wasn't willing to commit to a time to fix it. She mentioned drainage problems at the intersection of Cary's Chapel Road and Victory Boulevard, 1926 Yorktown Road, and the corner of Mansion Road and Cary's Chapel Road. She asked that these areas be looked into with regard to poor drainage and flooding problems.

Mr. Hamrick replied he had given some of those requests to the maintenance division, but he hadn't received a schedule yet.

CITIZENS COMMENT PERIOD

Ms. Pam Pouchot, 103 Kimberly Court, appeared to express her concerns over the beautification projects on Route 17, specifically pointing out some of the junkyards and the condition of the cars stored at the yards. She felt additional enforcement from Codes Compliance should be implemented to clean up those areas. Ms. Pouchot then spoke of her concerns regarding the proposed Wal-Mart Center at Route 17 and Victory Boulevard, and the necessity for the removal of trees in that area. She expressed her displeasure with more stores opening in the County and asked the Board to say 'no' to Wal-Mart. She then presented photographs of her areas of concern.

Mr. Gary Freeman, 120 Ballard Street, expressed his appreciation to staff members Mike King and Al Maddalena for helping him open his antique store, Gin Tail Antiques. He also thanked Chairman Zaremba for the town meeting held last week and discussed one of the topics at that meeting which was tourism. He felt the County should take a more accountable position with respect to tourism and suggested someone be assigned to promote tourism in Yorktown. He displayed a book with local tourist attractions called The Travel Guide, and suggested that Yorktown be advertised in the book.

Mrs. Elizabeth Rogers, 210 W. Queens Drive, Williamsburg, a representative of the Colonial Soil and Water Conservation District, expressed concern regarding the Wal-Mart special use permit and the effects of the project on the surrounding areas. She explained the parking lot would be located in an area on the watershed that feeds into the reservoir, and there was concern about soil getting into the ponds and streams. She stated the 35-foot buffer would be cut down, and she suggested the site plans be reworked to allow the buffer to remain. She explained this was a regional watershed, and its future depended on development put in place now.

Mr. John Buckley, 905 Lake Forrest Drive, Newport News, handed out a summary paper and stated his displeasure regarding potential for the Newport News/Williamsburg Airport runway expansion. He declared the necessity of additional hangars for airplane maintenance and repairs would result in polluting the area's water system, and could be detrimental to Harwood's Mill Reservoir.

COUNTY ATTORNEY REPORTS AND REQUESTS

Ms. Hook spoke of the Board of Zoning Appeals decision regarding President's Park and explained that the case was previously set for August 25, 2000, but has since been rescheduled to September 8, 2000. She informed the Board that the County Attorney's office, in addition to the Human Resources Office, would be conducting a legal issues seminar on August 29, 2000, for County employees. The seminar topics will include the Family Medical Leave Act, American with Disabilities Act, and issues regarding at-will employment.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck apprised the Board of information he had received at a luncheon presented by the Mayor's Blue Ribbon Commission regarding the proposed 2003 World's Aviation Fair to be held at Newport News/Williamsburg Airport. He then elaborated on the two plans for the proposed Wal-Mart Centers, and stated that staff had been reviewing the plans and soliciting comments from many people, including VDOT. He stated preliminary approval had been issued for both of the sites.

Chairman Zaremba asked about the removal of the 35-foot buffer mentioned by Mrs. Rogers.

Mr. Stuck explained that sometimes buffers have to be removed and replanted during the site plan process because of utility installations. He noted there was a requirement to maintain some kind of buffer in certain areas, depending on the zoning of the adjacent property, to include removing existing vegetation as long as it was replaced before project completion. He stated Wal-Mart had made some significant concessions regarding the design of the building and the landscaping.

Chairman Zaremba requested that Mr. Hudgins provide the Board with a detailed update on the two Wal-Mart projects with respect to the issues brought up by the City of Williamsburg, the Board of Supervisors, and the County. He expressed his concern that there were strained relations over the Lowe's project, and he did not want a recurrence with the Wal-Marts. He expressed the need to do everything possible to eliminate the chance for any damage to the reservoir.

Mr. Stuck stated there were two reservoirs in the lower County, the Harwood's Mill Reservoir and the Big Bethel Reservoir, and much development has occurred around them without any of the issues raised by the City of Williamsburg. The County's ordinance in terms of reservoir protection was something the Board adopted many years ago. It is very stringent and had the seal of approval of the City of Newport News and Williamsburg at the time it was originally adopted. He noted there were different faces on the Council in Williamsburg these days as well as different opinions about how things ought to be done. He stated he had been told that York's ordinances were not strict enough. He suggested that if there were issues that Williamsburg would like the County to address that it did not currently address, the City should draft something and submit it for consideration.

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Mr. Burgett also suggested that if Williamsburg was given the opportunity to approve York's ordinances, then York should make a list of what it would like to see changed in the Williamsburg ordinances.

Mrs. Noll expressed her agreement with Mr. Burgett.

Discussion followed.

Chairman Zaremba asked about Mr. Buckley's presentation on the airport and runway expansion.

Mr. Stuck stated there had been an approved airport master plan for a number of years which called for some runway extensions, but he wasn't aware if the project would go forward.

Chairman Zaremba requested Mr. Stuck get an update on plans to extend the runway.

MATTERS PRESENTED BY THE BOARD

Mr. Wiggins commented on the letter written by former Industrial Development Authority (IDA) member Sid Barrett, stating he had the utmost respect for Mr. Sid Barrett and the past and current members of the IDA. He stated one of the first decisions made by this Board was to televise work sessions; and, had they already been televised, the citizens would have seen the presentation made by the IDA concerning its current operation. He explained that out of 124 responses to surveys that were sent out, only four IDAs were set up the way the County's was, and he felt that placing the IDA employees under the direction of the County Administrator would be beneficial to the County.

Miss Rapp encouraged people to volunteer to help out with their local proms and also encouraged volunteers to help out with the DARE program. She reported on the meeting she recently attended regarding the Airport Commission's 2003 Air Show and stated she felt it was an important opportunity for the County to work together with the Peninsula, keeping in mind the preparation of events for the year 2007.

Mr. Burgett commended the Sheriff's Department for the rapid arrests of suspects in the 7-11 murder/robbery investigation. He stated the Sheriff's Department was top notch and deserved accolades for their good work. He stated he had received calls from constituents concerning the use of jet skis and the wake they create. He asked the Assistant County Attorney to look into the laws governing the use of these watercraft.

Mrs. Noll apprised the Board of the VACo conference she attended and noted that VACo was gearing up to support a resolution for tax equity which would return 5 percent of state income tax revenue to localities. She reported that redistricting would be coming up soon at the local and state level. She thanked Terry Hall from the Department of Fire & Life Safety for going out of his way to help some of the smaller counties with their 911 programs.

Chairman Zaremba congratulated two staff employees from the Department of General Services, Mr. Larry Perdue and Mr. Gary Dixon, who were commended for their work in the new courthouse. He thanked the citizens who came out for the town meeting held August 7, 2000, and reviewed some of the topics discussed at that meeting. He then reviewed other correspondence he had received and passed on to Mr. Stuck for information or action.

Meeting Recessed. At 8:14 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:21 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

CONVEYANCE OF EASEMENTS TO COX COMMUNICATIONS

Ms. Hook made a presentation on proposed Resolution R00-89 to authorize the execution of deeds of easement to Cox Communications Hampton Roads, Inc., at seven locations for the purpose of placement therein of gas powered electrical generators/power supply units.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-89 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE DEEDS OF EASEMENT TO CONVEY EASEMENTS TO COX COMMUNICATIONS HAMPTON ROADS, INC. AT SEVEN LOCATIONS FOR THE PURPOSE OF PLACEMENT THEREIN OF GAS POWERED ELECTRICAL GENERATORS/POWER SUPPLY UNITS

There being no one present who wished to speak concerning the subject resolution, Chairman Zaremba closed the public hearing.

Mr. Burgett then moved the adoption of proposed Resolution R00-89 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE DEEDS OF EASEMENT TO CONVEY EASEMENTS TO COX COMMUNICATIONS HAMPTON ROADS, INC. AT SEVEN LOCATIONS FOR THE PURPOSE OF PLACEMENT THEREIN OF GAS POWERED ELECTRICAL GENERATORS/POWER SUPPLY UNITS

WHEREAS, Cox Communications Hampton Roads, Inc. (Cox) desires to install a number of gas powered electrical generators and power supply units, in some cases with gas bottle cabinets, in connection with the ongoing upgrade of Cox's cable network; and

WHEREAS, Cox desires to place seven of the electrical generators/power supply units on property owned by the County, identified below; and

WHEREAS, this Board, following a duly advertised public hearing, has determined that it is in the public interest to grant appropriate easements to Cox for the placement of seven gas powered electrical generators/power supply units on property owned by the County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of August, 2000, that the County Administrator be, and he hereby is, authorized to execute deeds of easement conveying easements to Cox Communications Hampton Roads, Inc., the dimensions of each easement being as shown on plats transmitted to the Board by report of the County Administrator dated July 28, 2000, and the locations of each easement being more fully identi-

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fied below for the purpose of the placement therein of gas powered electrical generators/power supply units, with bottle cabinets if necessary, such deeds to be approved as to form by the County Attorney.

145 Goodwin Neck Road, Parcel #24-181
6710 George Washington Memorial Highway, Parcel #24F-1-4A
224 Ballard Street, Parcel #18A-1-Y
305 Quarter Track Road, Parcel 30-46-A1
999 Coventry Boulevard, Parcel #37-67A
100 Long Green Boulevard, Parcel #37-50-A
Charles E. Brown Park, Parcel #17-104

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

APPLICATION NO. ZM-46-00, C . W. OPTICS, INC.

Mr. Robert Baldwin, Chief Planner, made a presentation on proposed Application No. ZM-46-00 to amend the York County Zoning Map to reclassify 1.37 acres of land located at 905 Seaford Road (Route 622) from RR – Rural Residential) to IL (Limited Industrial) subject to conditions voluntarily proffered by the property owner. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 00-16.

Chairman Zaremba called to order a public hearing on Application ZM-46-00 which was duly advertised as required by law. Proposed Ordinance No. 00-16 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-46-00 TO
AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING A
1.37-ACRE PARCEL LOCATED AT 905 SEAFORD ROAD FROM RR
(RURAL RESIDENTIAL) TO IL (LIMITED INDUSTRIAL) SUBJECT TO
CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY
OWNER

Mr. James Noel, Executive Director of the Industrial Development Authority (IDA), spoke in favor of the applicant. He stated their business was a great fit for the facility.

There being no one else present who wished to speak regarding the subject application, Chairman Zaremba closed the public hearing.

Mr. Burgett inquired if the proffer was only for office research and development. He asked about additions to the building and the need for additional parking.

Mr. Baldwin stated there was space in the building for expansion but, based on the limitation imposed because of the lack of space for parking, whatever expansion they made would have to be small. He stated the site could accommodate additional parking.

Chairman Zaremba asked if there was any reaction from the residents in the nearby neighborhood.

Mr. Baldwin informed the Board there had been no negative responses from the neighbors.

Mrs. Noll then moved the adoption of proposed Ordinance No. 00-16 which reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZM-46-00 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING A 1.37-ACRE PARCEL LOCATED AT 905 SEAFORD ROAD FROM RR (RURAL RESIDENTIAL) TO IL (LIMITED INDUSTRIAL) SUBJECT TO CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

WHEREAS, C.W. Optics, Inc. has submitted Application No. ZM-46-00, which requests to amend the York County Zoning Map by reclassifying a 1.37-acre parcel located at 905 Seaford Road (Route 622), approximately 1 mile east of the intersection of Seaford Road and Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 25-323A, from RR (Rural Residential) to IL (Limited Industrial), subject to conditions voluntarily proffered by the property owner; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing for this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 15th day of August, 2000, that Application No. ZM-46-00 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to IL (Limited Industrial) approximately 1.37 acres located at 905 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 25-323A, subject to conditions voluntarily proffered by the property owner set out below:

The subject property will be only be used for the following:

1. Office (Category 11, No. 9)
2. Laboratory, R/D testing facilities (Category 15, No. 1)

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

APPLICATION NO. ZM-47-00, YORK COUNTY PLANNING COMMISSION

Mr. Baldwin, after an introductory video, made a presentation on Application No. ZM-47-00 to reclassify portions of 14 parcels located on the north side of Mary Bierbauer Way in the York

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Meadows subdivision from General Business to High Density, Single-Family Residential. This application was sponsored by the Planning Commission to correct an error on the zoning map which occurred during the 1995 zoning ordinance update. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 00-14.

Chairman Zaremba called to order a public hearing on Application ZM-47-00 which was duly advertised as required by law. Proposed Ordinance No. 00-14 is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING PORTIONS OF FOURTEEN PARCELS IN THE YORK MEADOWS SUBDIVISION FROM GB (GENERAL BUSINESS) TO R13 (HIGH DENSITY SINGLE-FAMILY RESIDENTIAL)

Ms. Mary Tanner, 2509 Corn Husk Road, Virginia Beach, spoke on behalf of York Meadows, LLC., the builder of the subdivision, and expressed support for the application.

There being no one else present who wished to speak regarding the subject application, Chairman Zaremba closed the public hearing.

Mr. Burgett asked about the 35-foot buffer zone between the subject property and the adjacent commercial property.

Mr. Baldwin stated the buffer had been split in the middle of the property which meant 17.5 feet would go on the R13 property and 17.5 feet would be on the general business property.

Miss Rapp then moved the adoption of proposed Ordinance No. 00-14 which reads:

THE YORK COUNTY ZONING MAP BY RECLASSIFYING AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND PORTIONS OF FOURTEEN PARCELS IN THE YORK MEADOWS SUBDIVISION FROM GB (GENERAL BUSINESS) TO R13 (HIGH DENSITY SINGLE-FAMILY RESIDENTIAL)

WHEREAS, it was brought to the attention of the York County Planning Commission that portions of fourteen (14) parcels in the York Meadows subdivision are zoned GB (General Business) but are vested in the preexisting residential zoning; and

WHEREAS, to rectify this situation, the Planning Commission sponsored Application No. ZM-47-00 to amend the York County Zoning Map by reclassifying portions of these fourteen (14) parcels from GB (General Business) to R13 (High Density Single-Family Residential); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has recommended approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 15th day of August, 2000, that Application No. ZM-47-00 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from GB (General Business) to R13 (High Density Single-Family Residential) portions of the parcels located at located at 502, 504, 506, 508, 600, 602, 604, 606, 608, 700, 702, 704, 706, 708, and 710 Mary Bierbauer Way, further identified as portions of Assessor's Parcel Nos. 37-(52)-4-84, 37-(52)-6-85, 37-(52)-6-86, 37-(52)-6-87, 37-(52)-6-88, 37-(52)-6-89, 37-(52)-6-90, 37-(52)-6-91, 37-(52)-6-92, 37-(52)-6-93, 37-(52)-6-94, 37-(52)-6-95, 37-(52)-6-96, and 37-(52)-6-97, and more fully identified and described as follows:

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, known and designated as Parcel A containing 2.6769 Acres as shown on that certain plat entitled, "PROPERTY OF LAVENIA ROLLINS BOLDEN BEING CONVEYED TO LAND VENTURE DEVELOPERS AND BUILDERS, INC., PARCELS A & B YORK COUNTY, VIRGINIA", which plat is dated December 20, 1996 and prepared by Johnson * Baird and Associates.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

APPLICATION NO. ZT-49-00, YORK COUNTY BOARD OF SUPERVISORS

Mr. Baldwin made a presentation on Application ZT-49-00 to amend the York County Zoning Ordinance to require a special use permit for all retail uses, including shopping centers, with 80,000 or more square feet of gross floor area. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 00-15.

Chairman Zaremba called to order a public hearing on Application ZT-49-00 which was duly advertised as required by law. Proposed Ordinance No. 00-15 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE, CHAPTER 24.1, ZONING, SECTIONS 24.1-306, 24.1-466, AND 24.1-481, TO REQUIRE SPECIAL USE PERMITS FOR ALL RETAIL USES AND SHOPPING CENTERS WITH 80,000 OR MORE SQUARE FEET OF GROSS FLOOR AREA

Ms. Pam Pouchot, 103 Kimberly Court, asked for some legislation to be passed that would regulate the large businesses coming in the County. She also made suggestions for the development of parking lots.

There being no one else present who wished to speak regarding the subject application, Chairman Zaremba closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance 00-15 which reads:

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AN ORDINANCE TO AMEND THE YORK COUNTY CODE, CHAPTER 24.1, ZONING, SECTIONS 24.1-306, 24.1-466, AND 24.1-481, TO REQUIRE SPECIAL USE PERMITS FOR ALL RETAIL USES AND SHOPPING CENTERS WITH 80,000 OR MORE SQUARE FEET OF GROSS FLOOR AREA

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-49-00 to amend the York County Zoning Ordinance to require special use permits for all retail uses and shopping centers with 80,000 or more square feet of gross floor area; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has recommended approval of this application; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the 15th day of August, 2000, that it does hereby approve Application No. ZT-49-00 to amend Chapter 24.1, Zoning, of the York County Code, Sections 24.1-306 (Category 10-Commercial/Retail), 24.1-306 (Category 13-Shopping Centers/Business Parks), 24.1-466, and 24.1-481(a) to read and provide as follows:

Sec. 24.1-306. Table of land uses.

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RM F	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 10 - COMMERCIAL / RETAIL (1)												
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P		
2. Wearing Apparel Store							P	P	P		P		
3. Appliance Sales									P		P		
4. Auction House								P	P		P		
5. Convenience Store							S	S	P		P	P	
6. Grocery Store							P		P		P		
7. Book, Magazine, Card Shop							P	P	P		P		
8. Camera Shop, One-Hour Photo Service							P	P	P		P	P	P
9. Florist							P	P	P		P	P	P
10. Gifts, Souvenirs Shop								P	P		P		
11. Hardware, Paint Store								P	P		P	P	P
12. Hobby, Craft Shop								P	P		P		

<i>P=PERMITTED USE</i> <i>S=PERMITTED BY SPECIAL USE PERMIT</i> USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RM F	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 10 - COMMERCIAL / RETAIL (1)												
13. Household Furnishings, Furniture									P		P		
14. Jewelry Store								P	P		P		
15. Lumberyard, Building Materials									S		P	P	P
16. Music, Records, Video Tapes								P	P		P		
17. Drug Store							S	S	P		P		
18. Radio and TV Sales								S	P		P		
19. Sporting Goods Store								P	P		P		
20. Firearms Sales and Service								S	S		S		
21. Tobacco Store								P	P		P		
22. Toy Store								S	P		P		
23. Gourmet Items/Health Foods/Candy/Specialty Foods/Bakery Shops							P	P	P		P		
24. ABC Store								P	P		P		
25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales									P	P	P	S	S
26. Office Equipment & Supplies								P	P		P	P	P
27. Pet Store							S	P	P		P		
28. Bike Store, Including Rental/Repair							P	P	P		P	P	P
29. Piece Goods, Sewing Supplies							P	P	P		P		
30. Optical Goods, Health Aids or Appliances								P	P		P	P	P
31. Fish, Seafood Store									P	P	P		
32. Department, Variety, Discount Store									P		P		
33. Auto Parts, Accessories (new parts)								P	P		P		
34. Second Hand, Used Merchandise Retailers (household items, etc.) a) without outside display/ storage b) with outside display/storage								P	P			P	
								S	S			S	
35. Storage shed and utility building sales/display									S			P	P

(1) See Section 24.1-466(g) for special provisions applicable to developments with 80,000 or more square feet of gross floor area.

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RM F	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 13 - SHOPPING CENTERS / BUSINESS PARKS⁽¹⁾												
1. Neighborhood Shopping Center							P	P	P		P		
2. Community or Regional Shopping Center									P		P		
3. Specialty Shopping Center								S	P		P		
4. Office Park								P	P		P	P	P
5. Industrial Park											P	P	P

(1) See Section 24.1-481(a)(3) for special provisions applicable to shopping centers with 80,000 or more square feet of gross floor area.

DIVISION 9. COMMERCIAL AND RETAIL USES (CATEGORY 10) DIVISION 9. COMMERCIAL AND RETAIL USES (CATEGORY 10)

Sec. 24.1-466. Standards for all commercial and retail uses.

- (a) All off-street parking and loading space for all commercial and retail uses shall be located not less than twenty-five feet (25') [7.5m] from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials.
- (b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets.
- (d) Outdoor speaker or paging systems shall be directed away from property lines and shall not be audible on adjacent properties or rights-of-way.
- (e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.
- (f) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') [12m] unless the district in which the use is located allows a lesser setback for the principal structure.
- (g) For retail uses otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development

that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.

DIVISION 12. SHOPPING CENTER AND BUSINESS PARKS (CATEGORY 13) DIVISION 12. SHOPPING CENTER AND BUSINESS PARKS (CATEGORY 13)

Sec. 24.1-481. Standards for shopping centers.

Shopping centers shall comply with the following performance standards:

- (a) *Area requirements.* The minimum area required for the development of the various types of shopping centers, as defined in section 24.1-104, shall be as follows:
 - (1) Neighborhood Center - forty thousand (40,000) square feet [1200m²]
 - (2) Community and Specialty Centers - three (3) acres [1.5ha]
 - (3) For shopping centers otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zarembo
 Nay: (0)

UNFINISHED BUSINESS

APPLICATION NO. UP-555-00 CLEAR MOORE CORPORATION

Mr. Stuck explained that the applicant had requested the application be reactivated. He stated a public hearing was held on the application; and after hearing the public hearing discussion, the applicant asked the Board to table the application. He further stated the project had been substantially revised, thereby making it necessary, in staff's opinion, for the application to go back to the Planning Commission for reconsideration.

Mrs. Noll moved the adoption of Resolution R00-134 which reads:

A RESOLUTION TO REMAND APPLICATION NO. UP-555-00 TO THE
 PLANNING COMMISSION FOR A NEW PUBLIC HEARING AND RE-
 CONSIDERATION

August 15, 2000

WHEREAS, Application No. UP-555-00 was considered by the Planning Commission at its March 22, 2000 meeting; and

WHEREAS, staff recommended denial of the application; and

WHEREAS, subsequent to a public hearing, the Planning Commission recommended denial of the application; and

WHEREAS, Application No. UP-555-00 was brought before the Board at its April 22, 2000 meeting; and

WHEREAS, the application was tabled at the request of the applicant; and

WHEREAS, the applicant has made significant revisions to the original plan and has requested that the application be remanded to the Planning Commission for reconsideration; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of August, 2000, that Application No. UP-555-00 be, and is hereby, remanded to the Planning Commission for reconsideration in accordance with all the procedures required of a new use permit.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

CONSENT CALENDAR

Miss Rapp asked that Item No. 7 be removed from the Consent Calendar.

Mr. Burgett moved that the Consent Calendar be approved as amended, Item Nos. 6, 8, and 9, respectively.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 6. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

July 28, 2000, Regular Meeting

Item No. 8. PUBLIC SEWER EXTENSION AGREEMENT: GREENLANDS SUBDIVISION, PHASE TWO: Resolution No. R00-126.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S
SANITARY SEWER SYSTEM TO THE PROPOSED DEVELOPMENT,
GREENLANDS, PHASE TWO, AND AUTHORIZING EXECUTION OF
THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Commonwealth Communities, LLC, has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a commercial facility; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$200,625.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of August, 2000, that the Board approves the extension of the County's public sewer system to serve the proposed development, Greenland, Phase Two, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Commonwealth Communities, LLC for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 9. STREET ACCEPTANCES: Resolution R00-128 and Resolution R00-129.

Resolution R00-128

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE A STREET IN HILLSIDE ESTATES
INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street;

August 15, 2000

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of August, 2000, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Hillside Estates and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted August 15, 2000

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision: Hillside Estates

Type of Change: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Route Number and/or Street Name:
Hillside Lane, State Route Number 1428

Description: From: Rt 716 (Hubbard Lane)
To: 0.06 mi east to cul-de-sac, a distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 07/14/1997,
Plat Book 12, Page 486, with a width of 50 ft

Resolution R00-129

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE A STREET IN THE VILLAGES OF KILN CREEK, CORPORATE CENTER 9, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

Route Number and/or Street Name:
Cybernetics Way, State Route Number 1825

August 15, 2000

Description: From: 0.12 miles west of Route 1800
To: Route 1800 (Kiln Creek Parkway), 0.11 miles north of Route 171,
A distance of: 0.12 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 05/31/1996, Plat Book
12, Pages 377-378, with a width of 50-80 feet.

Item No. 7. COMPREHENSIVE HEALTH INVESTMENT PROJECT (CHIP): Resolution R00-133
(Removed from the Consent Calendar).

Miss Rapp asked how the \$5,000 was being used.

Mrs. Anne Smith, Director of Community Services, explained that the money was used towards the services, and a variety of funds were received from different sources. She indicated that some of the uses were for health assessments, assurances of immunizations, safety checks, transportation for WIC, Medicaid outreach, and children's medical insurance program.

Miss Rapp then moved the adoption of Resolution R00-133 which reads:

A RESOLUTION TO APPROVE TRANSITIONAL FUNDING TO THE
COMPREHENSIVE HEALTH INVESTMENT PROJECT (CHIP) OF
GREATER WILLIAMSBURG IN THE AMOUNT OF \$5,000 FROM
CONTINGENCY RESERVE FUNDS

WHEREAS, CHIP of Greater Williamsburg is a prevention program that works to improve the health, potential and quality life for vulnerable children, birth to six, by building on the strengths of their families; and

WHEREAS, CHIP of Greater Williamsburg is no longer contractually partnered with Olde Towne Medical Center for the provision of services and has requested funds in the amount of \$5,000 as a one-time-only contribution to assist with the transition to independent agency status; and

WHEREAS, upon request by County staff, CHIP of Greater Williamsburg has provided information relative to the nature and scope of services rendered to York County residents;

NOW, THEREFORE BE IT RESOLVED by the York County Board of Supervisors this 15th day of August, 2000, that funding is approved from the Contingency Reserves for a one-time-only contribution of \$5,000 to CHIP of Greater Williamsburg for assistance in transition status as an independent agency.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

CLOSED MEETING. At 8:53 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to

Boards and Commissions; Section 2.1-344(a)(5) pertaining to prospective business or industry not yet announced.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

Meeting Reconvened. At 10:15 p.m. the meeting was reconvened in open session by order of the Chair.

Chairman Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF
INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of August, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

APPOINTMENT TO THE TRANSPORTATION SAFETY COMMISSION

Miss Rapp moved the adoption of proposed Resolution R00-127 which reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
TRANSPORTATION SAFETY COMMISSION

WHEREAS, Raymond T. Randall completed his term on the York County Transportation Safety Commission on March 31, 2000 and does not wish to be considered for reappointment; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of August, 2000, that the following individual be, and is hereby, appointed to serve on the

August 15, 2000

York County Transportation Safety Commission for a term to begin immediately and expire on March 31, 2003:

Charlotte L. Haywood

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Meeting Adjourned. At 10:20 p.m. Chairman Zaremba declared the meeting adjourned sine die.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors